

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PEDRO LOPEZ, CESAR GUZMAN,  
RAQUEL ROMERO, JUAN VICTOR  
JIMENEZ and JORGE PAREDES,  
individually and on behalf of  
others similarly situated,

Plaintiffs,

- against -

TRAFFIC BAR AND RESTAURANT INC.  
(d/b/a TRAFFIC BAR AND RESTAURANT),  
CHRIS FOLEY, JOEY MORGAN, MICHAEL  
O'NEIL, MEAGAN PUGH, and PAUL  
VALENTI,

Defendants.

12 Civ. 8111 (JCF)

MEMORANDUM  
AND ORDER

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JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Defendant Meagan Pugh, proceeding pro se, has moved to vacate the default judgment entered against her in this action. The motion is denied.

Background

The plaintiffs filed this collective action in November 2012, claiming that while they were employed at Traffic Bar and Restaurant, Inc., they were paid wages below those required by the Fair Labor Standards Act and New York Labor Law. When the amended complaint went unanswered, the Honorable Alvin K. Hellerstein, U.S.D.J., granted the plaintiffs' motion for judgment by default, and judgment was entered on November 15, 2013. On April 30, 2014,

the defendants, represented by counsel, moved to vacate the default, and Ms. Pugh submitted an affidavit in support of that motion. The motion was withdrawn, resubmitted, and then stricken from the docket as improperly filed. Subsequently, the parties consented to proceed before me for all purposes under 28 U.S.C. § 636(c).

By Order dated August 8, 2014, I resurrected the defendants' motion and set a schedule for the parties to complete briefing. On February 9, 2015, I issued a Memorandum and Order denying the motion as to the individual defendants, including Ms. Pugh. She filed the instant motion on June 30, 2015.

#### Discussion

Ms. Pugh asserts substantially the same arguments for vacating the default judgment against her as were raised in the original motion. Certainly, she has not identified any new facts that were not available to the defendants when that motion was briefed and decided. Accordingly, her application is properly viewed as a motion for reconsideration of my February 9, 2015 Memorandum and Order, and as such it is untimely. A motion for reconsideration must be filed within fourteen days of entry of the decision being challenged. Local Civil Rule 6.3. Ms. Pugh's motion, filed more than four months after the decision denying the defendants' motion to vacate, comes too late.

Conclusion

Defendant Meagan Pugh's motion to vacate the default judgment (Docket no. 91) is denied.

SO ORDERED.

  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
July 2, 2015

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<sup>1</sup> Although Ms. Pugh identifies her address as 345 East 72nd Street on the face of her motion, she alludes to 345 Park Avenue elsewhere in her papers. A copy of this order will therefore be sent to both addresses.